MR. CHAIRMAN: Please put the question. (*Interruptions*)

DR. K. MALAISAMY: What is the basis or the parameter for setting up these centres? This is the first part. (*Interruptions*) Sir, whether it is discretion-driven or demand...(*Interruptions*)...That is the point I want to ask. When they decide about a centre, they do not consider...(*Interruptions*)...

SHRIMATI MEIRA KUMAR: Sir, I have already said that the DDRCs in the Districts are on the basis of the number of disabled people in the District. ...(*Interruptions*)...Sir, the District Disability Rehabilitation Centre should also be...(*Interruptions*)...and the priority is to set it up in un-served Districts, especially, in the rural areas. ...(*Interruptions*)...Sir, the other thing is that the State Government while...(*Interruptions*)...

*62. [The questioner (Dr. Abhishek Manu Singhvi) was absent. For answer *vide* page 18 *infra.*]

Tribal rights to forest land

*63. SHRI O.T. LEPCHA:††
SHRI SANTOSH BAGRODIA:

Will the Minister of TRIBAL AFFAIRS be pleased to state:

(a) whether the rules and regulations pertaining to tribal rights to forest land have since been framed and notified and the relevant Act of Parliament brought into force;

(b) if so, the details thereof and the details of new policy guidelines issued in this regard; and

(c) since when the same have been enforced?

THE MINISTER OF TRIBAL AFFAIRS (SHRI P.R. KYNDIAH): (a) to (c) A Statement is laid on the Table of the House.

Statement

(a) to (c) The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 has been notified for operation with effect from 31st December, 2007 and the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2008 for carrying out the provisions of the Act have also been notified on 01.01.2008.

The Rules framed as per provisions contained in Section 14 of the Act, lay down the procedure for the implementation of the Act. Copies of the Act and the Rules are available on the website (*www.tribal.gov.in*) of the Ministry of Tribal Affairs.

SHRI O.T. LEPCHA: Mr. Chairman, Sir, will the Minister tell that out of 11 non-official Technical Support Group Members, how many of them were from the Schedule Tribe community? and Sir, how many official members were from the Schedule Tribe community? ...(*Interruptions*)...

Sir, I would also like to know how much extra fund has been allocated to the Ministry of Tribal Affairs for the implementation of the Scheduled Tribes and other Traditional Forest Dwellers Act. ...(*Interruptions*)... (Recognition of Forest Right) Act 2006.

††The question was actually asked on the Floor of the House by Shri O.T. Lepcha.

SHRI RAM JETHMALANI: Sir, either you stop this or adjourn the House. ...(*Interruptions*)... We have not been able to here ...(*Interruptions*)...

MR. CHAIRMAN: Please go back to your seats ...(*Interruptions*)... Please go back to your seats. ...(*Interruptions*)...

SHRI P.R. KYNDIAH: Sir, the responsibility for implementing the provisions of the Act vests with the State Government which are required to constitute various Committees. ...(*Interruptions*)... They are Sub-Divisional Level Committee, District Level Committee and State Level Monitoring Committees. ...(*Interruptions*)... And thereafter initiate action for recognition and vesting of forest right. ...(*Interruptions*)...

SHRI SANTOSH BAGRODIA: Sir, this particular subject of ...(*Interruptions*)... I would like to know from the hon. Minister whether the forest land ...(*Interruptions*)... where there are lots of objections by ...(*Interruptions*)... NGOs ...(*Interruptions*)... Had the Government taken any cognizance of that and also can this land be taken ...(*Interruptions*)... or for other ...(*Interruptions*)...

MR. CHAIRMAN: Please answer the question. ...(*Interruptions*)...

SHRI P.R. KYNDIAH: Sir, ...(*Interruptions*)... the objection raised was ...(*Interruptions*)... Gram Sabha is the authority for initiating the process of determination of the forest rights. ...(*Interruptions*)... The rules provide that the Gram Sabhas are to be assisted by a Forest Rights Committee, which shall ...(*Interruptions*)... verify the same and submit its findings on the claims to the Gram Sabha ...(*Interruptions*)... Gram Sabha shall then pass a Resolution on the claims and forward the same to SDLC ...(*Interruptions*)... which shall forward the same with the draft record of proposed forest rights through the Sub Divisional Officer to the District Level Committee for a final decision. ...(*Interruptions*)...

Mr. CHAIRMAN: Will you please go back to your places, gentlemen? ...(*Interruptions*)... Enough is enough. ...(*Interruptions*)...

संसदीय कार्य मंत्री तथा सूचना और प्रसारण मंत्री (श्री प्रियरंजन दास मुंशी) : महोदय, मैं बड़ी विनम्रता के साथ हमारे सभी साथियों, खास तौर से समाजवादी पार्टी के सदस्यगण और नेतागण से अनुरोध करता हूं कि आपने जो आवाज़ उठाई है, वह आवाज़ जरूर बुलंद होनी चाहिए लेकिन हम आपसे प्रार्थना करते हैं, गुजारिश करते हैं कि राष्ट्रपति के अभिभाषण या बजट के समय आप जितनी मर्जी हमारी जो गलतियां हैं, जो हमारी कमियां हैं, उनको उठाइए। हम लोग उसको गौर से सुन कर उस पर जवाब देंगे। लेकिन, आप क्वैश्चन ऑवर चलने दीजिए, यह हमारा अनुरोध है।

MR. CHAIRMAN: Please, go to you place. ...(*Interruptions*)... You cannot speak from here. ...(*Interruptions*)... Shri Sharad Yadav, you want to say something. ...(*Interruptions*)...

श्री शरद यादव: सभापति जी, ...(व्यवधान)...

MR. CHAIRMAN: Mr. Shahid Siddiqui, please. ...(*Interruptions*)...

श्री शरद यादव: सभापति जी, मैं आपके माध्यम से अपने साथियों से निवेदन करना चाहता हूं कि जो पार्लियामेंट है, उसमें बहुत कुछ कहने को है। वे जो कह रहे हैं, वह वाजिब बात है, लेकिन मेरी उनसे विनती है कि डिबेट के जरिए पूरे देश को बताया जाए कि अभी जो बजट आया है, उस बजट के मामले में हमारे मन में बहुत कुछ है। ये साथी जो कह रहे हैं हम उनका साथ देते हैं, लेकिन मेरी उनसे विनती है कि जब से पार्लियामेंट चली है, तब से हम ऐसा करने के सिवा कुछ नहीं कर रहे हैं। हम बैठ कर इस पर डिबेट करेंगे। अत: आपसे मेरी विनती है कि यह जो सवाल है ...(व्यवधान)... इस डिबेट होने दीजिए ...(व्यवधान)...

श्री शाहिद सिद्दिकी: हम हाउस से वाक आउट करते हैं। ...(व्यवधान)...

†[شری شاہد صدیقی : ہم ہاؤس سے واک آؤٹ کرتے ہیں ۔مداخلت۔]

(At this stage, some hon. Members left the Chamber.)

SHRI SANTOSH BAGRODIA: Sir, can I request you that the Question should be re-started? ...(*Interruptions*)... Nothing was heard. ...(*Interruptions*)... Let us restart the Question. ...(*Interruptions*)...

MR. CHAIRMAN: We will proceed from where we were. We cannot go back on it.

SHRI SANTOSH BAGRODIA: Sir, can I ask my last supplementary?

MR. CHAIRMAN: Mr. Bagrodia, have you asked your supplementary?

SHRI SANTOSH BAGRODIA: No, Sir.

MR. CHAIRMAN: Please ask you supplementary question.

SHRI SANTOSH BAGRODIA: Sir, I want to know from the hon. Minister one thing. Has the Government taken any cognizance of the objections raised by the NGOs against the rules framed under the Act? If yes, what is the basis of such objections, and how does the Government propose to accommodate such objections? Can these lands of the tribals which are already inhabited by them, be taken by the Government on account of exigencies or for other public needs? Is there any provision for this?

SHRI P.R. KYNDIAH: Well, it is true that we have received a number of complaints about the rules, as framed under the Act. We have examined the entire comments carefully, and after taking the entire picture into consideration, the rules have been framed. So, whatever objections that have been raised, we have taken care of them. Secondly, so far as the rights of the tribals are concerned, these are their rights. They may use them for residential purposes, they may use them for cultivable land and so on and so forth. There is no bar to that, and we are very careful to see that whatever rights they have enjoyed, should not be trampled upon. That is the issue.

SHRI SANTOSH BAGRODIA: He has not answered my question.

MR. CHAIRMAN: Just a minute. Shirmati Brinda Karat.

SHRIMATI BRINDA KARAT: Sir, the House is aware that there was an inordinate delay in issuing the rules as a result of which thousands of tribals have been evicted. I hope the Minister will give an assurance that all the tribals, who have been evicted between the time the Act was passed and the rules were notified, will be rehabilitated. Sir, a very serious situation has also arisen. Whether the Government is aware that the Tamil Nadu High Court has granted a stay against the Act in respect of national parks and sanctuaries, and there is a petition which has been admitted by the Supreme Court. In such a situation, whether the Government is prepared to consider putting this Act in the Ninth Schedule so as to avoid any intervention in this way which will directly impact on the rights of tribals, given in this Act.

SHRI P.R. KYNDIAH: Mr. Chairman, Sir, the point at issue is that there are court cases. It is true that there are court cases in the High Court of Tamil Nadu at Chennai, Madurai, in the High Court of Andhra Pradesh at Hyderabad and in the High Court of Mumbai. We are looking into the matter. We are fully aware of what the consequences are. But ultimately, we

[ ]†Transliteration of Urdu Script.

are aware of the feeling that since the matter will also be moved in the Supreme Court, all these cases will go to the Supreme Court. But meanwhile what I want to assure the hon. Member is that those tribals who are in the occupation of their land by way of these rights in those areas, their rights will be safeguarded fully. There is no question of the tribals not getting their rights. The issue is only about the timing. It has to be on the date of the operation of the Act and the rules, and the date was, as I have stated in my written reply, 31st December, 2007 the operational date, and the rules came into force on the Ist of January, 2008. We will take care of that.

SHRI PRAVEEN RASHTRAPAL: Sir, thank you very much. I come from Gujarat, and the State of Gujarat has a sizeable population of the Scheduled Tribes, that is 15 per cent, as against 7.5 per cent, which is the national average. I am extremely sorry to inform this House that the Government of Gujarat is not going to implement this Act. On the contrary, in the first week of February, 68,000 applications have been filed by the tribals living in Gujarat, claiming agricultural land. Instead of giving land to the tribals, the Forest Department of the State of Gujarat has started plantation. I want to know from the hon. Minister one thing Is he aware that the Gujarat police resorted to firing on the tribals? Two tribals have died. One of them was virtually encountered. I want to know what action the Government of India is taking to protect the rights of the tribals. ...(*Interruptions*) .

MR. CHAIRMAN: All right. Thank you ...(*Interruptions*)... Thank you. Mr. Minister. ...(*Interruptions*)...

SHRI PRAVEEN RASHTRAPAL: What action the Government of India is taking to protect the rights of the tribals. ...(*Interruptions*)...

श्री रूद्रनारायण पाणि : सर, यह इतने सीनियर मैम्बर हैं, कम से कम इनको गलत नहीं बोलना चाहिए। ...(**व्यवधान**)...

MR. CHAIRMAN: Mr. Pany, please sit down. ...(*Interruptions*) .. Please answer the question. ...(*Interruptions*)...

SHRI PRAVEEN RASHTRAPAL: I want action from the Central Government. Tribals should be protected ...(*Interruptions*)...

MR. CHAIRMAN: Thank you very much. Please sit down. Your question is over. ...(*Interruptions*)... Yes, please go ahead.

SHRI P.R. KYNDIAH: Mr. Chairman, it is very, very clear that implementation of the Act vests with the State Governments. We are having a monitoring agency at the State level, and at the Central level also. Recently, the Prime Minister has written to all the State Government and the UTs in order to implement the Act expeditiously.

But whatever problems are there, we are stating where we are taking steps.

SHRIMATI BRINDA KARAT: No, Sir. ...*(Interruptions)*... It is about evictions. ...*(Interruptions)*... Are you going to stop it? ...*(Interruptions)*...

MR. CHAIRMAN: Please don't interrupt. ...*(Interruptions)*...

SHRIMATI BRINDA KARAT: Tribals are suffering...

MR. CHAIRMAN: Please don't interrupt. Let the question be answered. ...*(Interruptions)*... Next supplementary, please. Shri Pyarelal Khandelwal. ...*(Interruptions)*... Please sit down. ...*(Interruptions)*...

श्री प्यारे लाल खंडेलवाल: आदरणीय सभापति जी, जैसा अभी माननीय मंत्री जी ने कहा कि हम प्रयत्न कर रहे हैं, कोशिश कर रहे हैं, लेकिन आजादी को प्राप्त हुए 60 वर्ष हो गए हैं और अभी तक देश भर के आदिवासियों की जो जमीन है, जैसा अभी मेरे एक सहयोगी ने भी कहा, हजारों की संख्या में आदिवासियों के खेत उजाड़े जाते हैं और जब फसल आती है तभी उजाड़े जाते हैं, तो मैं माननीय मंत्री जी से जानना चाहता हूं कि क्या सरकार इस बारे में कोई नीति निर्धारित करेगी कि फसल खड़ी हुई तब जमीन को कभी उजाड़ा नहीं जाएगा, चाहे जिस परिस्थिति में भी हो? दूसरी बात, जिन आदिवासियों को अभी तक जमीन के मालिकाना पट्टे नहीं मिले हैं, क्या सरकार इस संबंध में एक निश्चित नीति निर्धारित करेगी कि जो खेती करता है, उसको उस जमीन का पट्टा मिलेगा? इस बारे में मंत्री जी क्या कहना चाहते हैं?

MR. CHAIRMAN: Thank you.

SHRI P.R. KYNDIAH: Mr. Chairman, Sir, the suggestion given by the hon. Member will be examined ...*(Interruptions)*...

SHRIMATI BRINDA KARAT: No, Sir. Tribals are being evicted. ...*(Interruptions)* ..

MR. CHAIRMAN: Please sit down.

SHRIMATI BRINDA KARAT: What they are going to do to stop it. That is the question. He has not answered, Sir. ...*(Interruptions)*...

श्री प्यारे लाल खंडेलवाल: सर, इसमें कितने वर्ष और लगेंगे, 60 वर्ष हो गए हैं? ...(**व्यवधान**)...

MR. CHAIRMAN: You can raise another question separately.

श्री प्यारे लाल खंडेलवाल: आदिवासियों की समस्या का समाधान नहीं हो रहा है? ...(व्यवधान). . मंत्री जी जवाब दें कि अभी तक क्यों नहीं हुआ? ...(**व्यवधान**)...

MR. CHAIRMAN: Please sit down. .. *(Interruptions)*... Let us allow ...*(Interruptions)*...

श्रीमती वृन्दा कारत: सर, आपसे रिक्वेस्ट है कि सरकार इसका जवाब दें ...(**व्यवधान**)...

MR CHAIRMAN: Please let us allow the Question Hour to proceed. ...*(Interruptions)*...

श्री प्यारे लाल खंडेलवाल: सर, सदन जानना चाहता है कि अभी तक क्यों नहीं हुआ? ...(**व्यवधान**)...

श्री रूद्रनारायण पाणि: सदन जानना चाहता है। . .(व्यवधान)...

MR. CHAIRMAN: You raise a proposal to that effect.

*64. [The questioner (Shrimati N.P. Durga) was absent. For answer *vide* page 24.]

Swadhar Shelter Homes Scheme

*65. DR. GYAN PRAKASH PILANIA: Will the Minister of WOMEN AND CHILD DEVELOPMENT be pleased to state:

(a) the objective and genesis of Swadhar Shelter Homes Scheme;

(b) the progress/achievements thereof till date, particularly in Rajasthan; and

(c) the number of widows, divorced, separated women, both in rural and urban areas, rehabilitated, out of 342.90 lakh widowed women and 23.43 lakh divorced or separated women in the country, as per 2001 census?

THE MINISTER OF STATE OF THE MINISTRY OF WOMEN AND CHILD DEVELOPMENT (SHRIMATI RENUKA CHOWDHURY): (a) to (c) A Statement is laid on the Table of the House